

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION**

U.S. DISTRICT COURT
Southern District of Georgia
Filed in Open Court
3218 M.
0413 20 17
Deputy Clerk

UNITED STATES OF AMERICA) **CR115-106**
)
v.)
)
MACK LAKES, JR.)

CONSENT ORDER OF FORFEITURE

WHEREAS, on December 3, 2015, a federal grand jury sitting in the Southern District of Georgia returned a one-count Indictment against Defendant Mack Lakes, Jr. and five co-defendants charging a violation of 18 U.S.C. § 371 (Count One – Conspiracy);

WHEREAS, on May 4, 2016, a federal grand jury sitting in the Southern District of Georgia returned a two-count Superseding Indictment against the Defendant and five co-defendants charging violations of 18 U.S.C. § 1029(b)(2) (Count One – Conspiracy), and 18 U.S.C. § 1029(a)(2) (Count Two – Use of an Unauthorized Access Device During One-Year Period);

WHEREAS, the Superseding Indictment sought forfeiture pursuant to 18 U.S.C. § 1029(c)(1)(C) of any property used or intended to be used to commit the violations charged in Counts One and Two of the Superseding Indictment;

WHEREAS, the Superseding Indictment additionally sought forfeiture pursuant to 18 U.S.C. § 982(a)(2)(B) of any property constituting, or derived from any proceeds Defendant obtained, directly or indirectly, as a result of such violations,

including but not limited to a money judgment in the amount of all gross proceeds Defendant obtained as a result of such violations;

WHEREAS, the Superseding Indictment further provided for the forfeiture of substitute assets pursuant to 21 U.S.C § 853(p), of any other property of Defendant up to the value of the property subject to forfeiture;

WHEREAS, on June 14, 2016, pursuant to a written plea agreement, the Defendant pled guilty to Count One of the Superseding Indictment charging a violation of 18 U.S.C. § 1029(b)(2), Conspiracy;

WHEREAS, pursuant to his plea agreement, Defendant acknowledged that the proceeds he gained by perpetrating the offense have been depleted by the Defendant and the United States has not been able to identify any other property of the Defendant that could be forfeited as a substitute asset in accordance with 21 U.S.C. § 853(p);

WHEREAS, pursuant to his plea agreement, Defendant agreed to entry of an Order of Forfeiture reflecting a money judgment in the amount of all gross proceeds he received as a result of the violation to which he pled guilty, as determined by the Court at sentencing; and

WHEREAS, pursuant to his plea agreement, Defendant further agreed to waive the requirements of Federal Rules of Criminal Procedure 11(b)(1)(J), 32.2, and 43(a) regarding notice of the forfeiture in the charging instrument, announcement of the forfeiture at sentencing, and incorporation of the forfeiture in the judgment without further order of the Court.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

1. Pursuant 18 U.S.C. § 982(a)(2)(B), Defendant shall forfeit to the United States in the form of a money judgment, the sum of \$ 129,749¹⁹, which is the sum of money equal to all gross proceeds traceable to Defendant's offense of conviction.

2. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, this Order of Forfeiture shall become final as to Defendant at the time of sentencing, be made part of the sentence, and be included in the judgment.

3. The United States may, at any time, move pursuant to Rule 32.2(e) of the Federal Rules of Criminal Procedure to amend this Order of Forfeiture to substitute property to satisfy the money judgment in whole or in part.

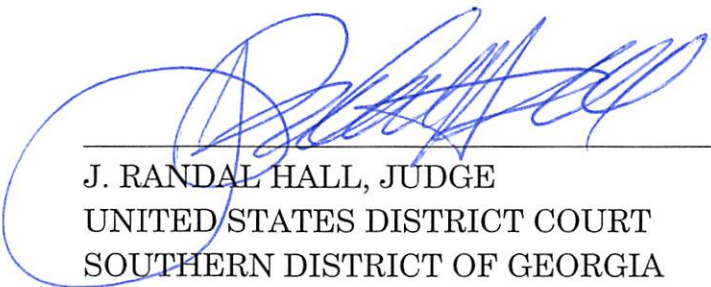
4. In accordance with the provisions of 21 U.S.C. § 853, as incorporated by 18 U.S.C. § 982(b)(1), and Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States is authorized to undertake whatever discovery is necessary to identify, locate, or dispose of property subject to forfeiture, or substitute assets for such property.

5. This Court shall retain jurisdiction for the purpose of enforcing this Order.

6. The Clerk of the Court shall forward four certified copies of this Order to Assistant U.S. Attorney Patricia G. Rhodes, United States Attorney's Office for the Southern District of Georgia, P.O. Box 2017, Augusta, Georgia 30903.

Date:

4/13/2017



J. RANDAL HALL, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA

WE ASK FOR THIS:



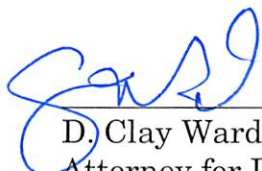
Patricia G. Rhodes
Assistant United States Attorney
Georgia Bar Number 307288
P.O Box 2017
Augusta, Georgia 30903
(706) 724-0517

Date:

4/13/17



Mack Lakes, Jr.
Defendant



D. Clay Ward, Esq.
Attorney for Defendant

Date:

4.13.17